

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

NO. C 08-00121 JW

Shoreline Capital Management, LTD.,

Plaintiff,

v.

Xiaobing Sun, a.k.a. Daniel Sun,

Defendant.

**ORDER DENYING PLAINTIFF'S EX  
PARTE APPLICATION FOR  
TEMPORARY RESTRAINING ORDER;  
ORDER TO SHOW CAUSE RE  
PRELIMINARY INJUNCTION**

Presently before the Court is Plaintiff Shoreline Capital Management, Ltd.'s ("Shoreline")<sup>1</sup>  
*Ex Parte* Application for Temporary Restraining Order and Order to Show Cause Re Preliminary  
Injunction, and for Leave to Conduct Expedited Discovery, (See Docket Item No. 16.)<sup>2</sup> Plaintiff  
represents that it has given notice Defendant Xiaobing Sun of its Application. (See Docket Item No.  
5.)

//

//

<sup>1</sup> (Complaint, Docket Item No. 1.)

<sup>2</sup> Plaintiff submits the following declarations in support of its motion: Declarations of Benjamin Fanger, Linlin Gong, Haiqiang Huang, Wei Wang, Yan Wen, Yonghui Wu, Linyu Yang, Weihong Ye, Xiaolin Zhang, and Deguang Zheng. (See Docket Item Nos. 6-15.)

1 The Court, having considered the papers submitted by counsel, finds there are allegations  
2 that:

- 3 1. Shoreline's rights with respect to its property, proprietary and confidential  
4 information, competitive interests, and contractual rights with Defendant are being  
5 and will continue to be violated by Defendant unless Defendant is restrained in the  
6 manner set forth below.
- 7 2. Shoreline will suffer irreparable harm and loss if Defendant is permitted to: (a)  
8 convert Shoreline's property for his own use and that of Shoreline's direct  
9 competitor, Asia LTI, Defendant's new company and new employer, and (b) solicit  
10 Shoreline's investment customers, bankers and investment managers that are its  
11 vendors, and employees.
- 12 3. Shoreline has no adequate remedy at law.
- 13 4. Greater injury would be inflicted upon Shoreline if temporary injunctive relief were  
14 denied than will be incurred by Defendant if the requested relief is granted.
- 15 5. The public interest would be served by a grant of the requested relief.

16 Accordingly, it is hereby ordered that Defendant shall appear before the Court on **January**  
17 **25, 2008 at 9 A.M.** and show cause why a preliminary injunction should not be entered as follows:

- 18 A. Enjoining and restraining Defendant Xiaobing Sun, directly or indirectly, whether  
19 acting alone or in concert with others, including any officer, agent representative, or  
20 employee of Asia LTI, during the pendency of this litigation from:
  - 21 1. soliciting any business from any Shoreline client, customer or vendor whom  
22 Defendant Sun served during his employment with Shoreline, or any other  
23 client, customer or vendor whose name became known to Defendant Sun  
24 while in the employ of Shoreline (for purposes of this Order, Shoreline shall  
25 include Shoreline Capital Management, Ltd., as well as its wholly owned  
26  
27  
28

- 1 subsidiary, Shoreline Capital Consulting (Shenzhen) Co., Ltd. (Shoreline  
2 Shenzhen), and Guangzhou United, the onshore agent of Shoreline Shenzhen;  
3 2. contacting for business purposes, whether in person, through others, by  
4 telephone or in writing, any client, customer or vendor of Shoreline whom  
5 Defendant Sun served during his employment with Shoreline, or any other  
6 client, customer or vendor whose name became known to Defendant Sun  
7 while in the employ of Shoreline;  
8 3. soliciting for employment any current employee of Shoreline; and  
9 4. using, disclosing, or transmitting for any purpose (including but not limited to  
10 the solicitation of said clients, customers, vendors and employees of  
11 Shoreline), the names, addresses, telephone numbers, and other contact  
12 information as well as any financial information of any of said clients,  
13 customers, vendors and employees of Shoreline, any information contained in  
14 Shoreline's records, including but not limited to the financial model known as  
15 The Shoreline Pricing Model or The Shoreline Debt Pricing Model, and any  
16 of Shoreline's Potential Investment Lists;
- 17 B. Ordering Defendant to return to Shoreline:
- 18 1. all originals copies, or other reproductions in whatever form of the names,  
19 addresses, telephone numbers, and other contact information as well as any  
20 financial information of any of Shoreline's clients, customers, vendors and  
21 employees, any information contained in Shoreline's records, including but  
22 not limited to the financial model known as The Shoreline Pricing Model or  
23 The Shoreline Debt Pricing Model, and any of Shoreline's Potential  
24 Investment Lists;
- 25 2. all originals copies, or other reproductions in whatever form of any Shoreline  
26 document or other form of recorded information; and  
27  
28


3. any of Shoreline's computer equipment in his possession, custody or control, as well as any Shoreline computer software, hardware or data he may possess, have custody of or control.

C. Ordering Defendant to make available for immediate inspection by Shoreline or its expert all computer environments used by Defendant, including but not limited to desktop, laptop, and hand-held computers, personal digital assistants, cell phone address books and memos, whether they be utilized at Asia LTI, Defendant's residence or elsewhere.

D. Granting leave to commence expedited discovery on a schedule to be set by the Court.

Plaintiff shall serve this Order on Defendant on or before **January 18, 2008**. Plaintiff shall file proof of service no later than **midnight, January 18, 2008**. Defendant's opposition, if any, shall be filed by **January 23, 2008**.

Dated: January 15, 2008

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 David H.S. Commins david@commins.com

3 **Dated: January 15, 2008**

**Richard W. Wieking, Clerk**

4  
5 **By: /s/ JW Chambers**  
6 **Elizabeth Garcia**  
7 **Courtroom Deputy**  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28